IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4438 of 2007
Date of Decision: 3.4.2007

Harjit Kaur

Petitioner

versus

Kartar Kaur

Respondent

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Shri Ranjan Lakhanpal, Advocate for the petitioner

Jasbir Singh, J. (Oral)

This writ petition has been filed with a prayer to quash the order passed by the Commissioner dated 16.4.2002 (Annexure P/2), vide which, mutation of inheritance of Jaswant Singh deceased, was ordered to be entered in the name of Kartar Kaur, his widow, on the basis of a Will. Further prayer is to quash the order dated 23.9.2005 (Annexure P/5), passed by the Financial Commissioner, Revenue, Punjab, upholding order passed by the Commissioner.

It is apparent from the records that after death of Shri Jaswant Singh, mutation was ordered to be entered by the Collector, on the basis of inheritance. Respondent No.1- Kartar Kaur went in appeal, which was allowed by the Commissioner, Will was upheld and mutation was ordered to be entered in her name. The Financial Commissioner upheld order passed by the Comissioner, by observing thus:-

> "*This revision pertains to the inheritance of late Jaswant Singh son of Ram Singh. An unregistered will was produced by his wife Kartar Kaur duly proved by the marginal witnesses*

and the deed writer before ACI. The ACI sanctioned the mutation on the basis of the said will vide his roder dated 12.11.2001, Jaspal Singh alongwith his mother Harjit Kaur challenged the will in question before the Collector in an appeal who wants to the property of Jaswant Singh. The Collector accepted the appeal discarded the Will and sanctioned the mutation in favour of natural heirs on the basis of the natural succession vide his order dated 16.4.2002. The order of Collector was further challenged by the present respondents by way of appeal before the Commissioner who accepted the same set aside the order of Collector and upheld the order ACI vide his order dated 29.7.2003. Incidently, he is convicted of murder of Jaswant Singh."

In this writ petition, challenge has been laid to the order passed by the Commissioner, but copy of the same has not been placed on record. Be that as it may, as per established law, mutation does not confer title on any of the parties and the same is entered only with a view to update the revenue records. The intricate questions regarding validity of the Will and as to whether property was ancestral, in hands of the deceased, are not to be gone into by the revenue officials, while entering mutation. No case is made out for interference. However, the petitioner, if so advised, may agitate for his right before the competent civil Court.

Disposed of.

(Jasbir Singh)
Judge

April 03, 2007 **(Nirmal Yadav)**
gk **Judge**